

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

22 CR 644 (JSR)

DECLARATION

-v-

STEVEN PEREZ (Lucha El Por Libertad)

Defendant.

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I, ZAWADI S. BAHARANYI, pursuant to 28 U.S.C. § 1746, declare the following under the penalties of perjury:

1. I am an assistant federal defender with the Federal Defenders of New York, Inc., and have been appointed by the Court to represent defendant Steven Perez (hereinafter “Mr. Lucha”) in this case. I submit this declaration in support of Mr. Lucha’s motion to suppress physical and testimonial evidence obtained in violation of the Fourth Amendment to the United States Constitution, or in the alternative, for an evidentiary hearing.

2. Based on my review of the discovery and investigation in this matter, Mr. Lucha’s Fourth Amendment rights were violated when NYPD officers stopped, frisked, and searched him on the basis of a single anonymous 911 call.

3. All of the facts and circumstances described in the memorandum of law in support of the attached motion are true and accurate to the best of my knowledge based upon: (a) my personal knowledge gained through my review of the case file, my investigation, and investigations conducted at my request; (b) relevant statutory and case law; and (c) good faith information and belief.

4. I have attached the Rule 16 discovery that provides the basis for Mr. Lucha's motions to suppress, as Exhibits A- E.
5. Exhibit A is an excerpt from a Search Warrant Affidavit sworn out by ATF Special Agent Daniel Koneschusky.
6. Exhibit B is an audio recording of the anonymous 911 from June 23, 2021.
7. Exhibit C is NYPD Officer Cotter's Body Worn Camera Footage showing the stop and search of Mr. Lucha.
8. Exhibit D is NYPD Paperwork identifying Mr. Lucha's address as 3318 Perry Avenue, Apt. 4C, Bronx, NY.
9. Exhibit E is the radio run between officers and 911 dispatchers following the anonymous 911 call.

Dated: New York, New York
February 3, 2023

/s/

Zawadi S. Baharanyi
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